

KANSAS ADMINISTRATIVE REGULATIONS
KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
RULES AND REGULATIONS FOR CERTIFICATION OF HOME HEALTH AIDES

28-51-100. Definitions. (a) “Administrator” means either a person who has training and experience in health services administration and at least one year of supervisory or administrative experience in health care, or a qualified health professional.

(b) “Admission note” means a dated notation that is written by a professional member of the health team after the initial assessment of a patient and that documents the relevant diagnoses; the patient’s health history; environmental, safety, and social factors of the patient’s home; the patient’s nutritional requirements, medications, and treatments; and the patient’s physical and mental levels of functioning.

(c) “Branch office” means a location or site from which a home health agency provides services within a portion of the total geographic area served by the parent agency. The branch office shall be part of the home health agency and shall be located close to share administration, supervision, and services in a manner that renders it unnecessary for the branch to independently meet the conditions of licensure as a home health agency. Each branch office shall be within 100 miles of the parent agency.

(d) “Bylaws” means a set of rules adopted by a home health agency for governing the agency’s operation.

(e) “Clinical record” means a legal document containing facts that meet the following criteria:

- (1) Provide a basis for planning and implementing the patient’s care program;
- (2) indicate the patient’s status and response to treatment;
- (3) serve as a record of communication for the professional groups responsible for the patient’s care; and
- (4) serve as a repository of data that can be used to review and evaluate the care provided.

(f) “Dietitian” means a person who is licensed by the Kansas department of health and environment as a dietitian.

(g) “Direct supervision” means that the supervisor is on the facility premises and is accessible for one-on-one consultation, instruction, and assistance, as needed.

(h) “Discharge summary report” means a concise statement, signed by a qualified health professional, reflecting the care, treatment, and response of the patient in accordance with the patient’s plan of care and the final disposition at the time of discharge.

(i) “Home health aide” means an individual who has a home health aide certificate issued by the licensing agency as specified in K.A.R. 28-51-113.

(j) “Home health aide trainee I” means an individual in the process of completing part I of a 90-hour home health aide course as prescribed in K.A.R. 28-51-113.

(k) “Home health aide trainee II” means an individual who meets either of the following:

(1) The individual has completed part I of a 90-hour home health aide course or a 90-hour nurse aide course prescribed in K.A.R. 28-51-113 or K.A.R. 28-39-165.

(2) The individual’s training has been endorsed as specified in K.A.R. 28-51-115.

- (l) “Licensed nursing experience” means experience as a registered nurse or licensed practical nurse.
- (m) “Licensing agency” means the Kansas department of health and environment.
- (n) “Occupational therapist” means a person who is licensed with the Kansas state board of healing arts as an occupational therapist.
- (o) “Occupational therapy assistant” means a person who is licensed with the Kansas state board of healing arts as an occupational therapy assistant.
- (p) “Parent home health agency” means a home health agency that develops and maintains administrative control of subunits or branch offices, or both.
- (q) “Physical therapist” means a person who is registered with the Kansas state board of healing arts as a physical therapist.
- (r) “Physical therapist assistant” means a person who is certified by the Kansas state board of healing arts as a physical therapist assistant.
- (s) “Physician” means a person licensed in Kansas or an adjoining state to practice medicine and surgery.
- (t) “Plan of care” means a plan based on the patient’s diagnosis and the assessment of the patient’s immediate and long-range needs and resources. The plan of care is established in consultation with the home health services team. If the plan of care includes procedures and services that, according to professional practice acts, require a physician’s authorization, the plan of care shall be signed by a physician and shall be renewed every 62 days.
- (u) “Progress note” means a dated, written notation by a member of the home health services team summarizing the facts about the patient’s care and response during a given period of time.
- (v) “Qualified health professional” means a physician, a registered nurse, a physical therapist, an occupational therapist, a respiratory therapist, a speech therapist, a dietitian, or a social worker.
- (w) “Registered nurse” means a person who is licensed by the Kansas state board of nursing as a registered professional nurse.
- (x) “Respiratory therapist” means a person who is licensed by the Kansas state board of healing arts as a respiratory therapist.
- (y) “Simulated laboratory” means an enclosed area that is in a school, adult care home, or other facility and that is similar to a home setting. In a simulated laboratory, trainees practice and demonstrate basic home health aide skills while an instructor observes and evaluates the trainees.
- (z) “Social worker” means a person who is licensed by the Kansas behavioral sciences regulatory board as a social worker.
- (aa) “Speech therapist” means a person who is licensed by the Kansas department of health and environment as a speech-language pathologist.
- (bb) “Summary report” means a concise statement, signed by a qualified health professional, that reflects the care and treatment given and the response by the patient.
- (cc) “Supervision” means the authoritative procedural guidance that is given by a qualified health professional. This term shall include initial direction and periodic inspection of the act of accomplishing the

function or activity.

(Authorized by and implementing K.S.A. 65-5109; effective, T-86-23, July 1, 1985; amended May 1, 1987; amended Feb. 28, 1994; amended Dec. 29, 2003.)

28-51-108. Home health aide services. Each home health aide shall be supervised by a registered nurse and shall be given written instructions for patient care prepared by a qualified health professional.

(Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5101; effective, T-86-23, July 1, 1985; effective May 1, 1986; amended March 12, 1990; amended Feb. 28, 1994; amended Dec. 29, 2003.)

28-51-113. Home health aide training program. (a) Each home health aide candidate shall meet one of the following criteria:

(1) Successfully complete a 90-hour home health aide course that has been approved by the licensing agency; or

(2) be a Kansas-certified nurse aide in good standing on the public nurse aide registry and complete a 20-hour home health aide course approved by the licensing agency.

(b) Upon completing a home health aide course as specified in subsection (a) of this regulation, each home health aide shall be required to pass a state test as specified in K.A.R. 28-59-116.

(c) Each person who completes the requirements specified in subsections (a) and (b) of this regulation shall be issued a home health aide certificate by the licensing agency and shall be listed on the public nurse aide registry.

(d) Each home health aide trainee shall be allowed to provide home health aide services to clients of the home health agency upon meeting any of the following criteria:

(1) Each home health aide trainee in an approved 90-hour course shall complete part I of the course to demonstrate competency before providing home health aide services as a home health aide trainee II. A home health aide trainee II shall be allowed to provide home health aide services to clients of the home health agency under the supervision of a registered nurse.

(2) Each home health aide trainee who completes an approved 90-hour course shall be issued a home health aide certificate by the licensing agency, upon completion of the requirements specified in subsections (a) and (b) of this regulation, within 90 days from the beginning date of the initial course in order to continue employment providing home health aide services. Home health aide trainee II status shall be for one 90-day period only.

(3) Any Kansas certified nurse aide who is eligible for employment and who is enrolled in a 20-hour home health aide course may work for a home health agency as a home health aide trainee II. The home health agency's registered nurse shall submit a department-approved form attesting that the trainee has met the minimum competencies for a home health aide trainee II.

(e) Each 90-hour home health aide course shall meet the following requirements:

(1) Each course shall be prepared and administered in accordance with the guidelines established by the licensing agency in the "Kansas certified 90-hour home health aide curriculum guidelines," dated December 1992, and the "Kansas 90-hour and 20-hour certified home health aide training instructor manual," pages i through iii and 1 through 33, dated June 1993, which are hereby adopted by reference.

(2) Each course shall consist of a combination of clinical and classroom instruction. At least 12 hours of part I and 15 hours of part II of the course curriculum shall be provided as clinical instruction.

(3) Each course shall be sponsored by one of the following:

(A) A home health agency; or

(B) a postsecondary school under the jurisdiction of the state board of regents.

(4) Clinical instruction shall be conducted in one or more of the following locations:

(A) A client's residence, if prior consent has been given;

(B) a simulated laboratory setting;

(C) a hospital that operates a home health agency;

(D) a long-term care unit of a hospital; or

(E) an adult care home.

(5) A home health agency shall not sponsor or provide clinical instruction for a 90-hour or 20-hour home health aide course if that home health agency has been subject to sanctions under any of the medicare certification regulations listed in 42 C.F.R. 484.36(a)(2)(i), as in effect on October 1, 2001, which is hereby adopted by reference.

(f) No correspondence course shall be accepted as a home health aide course.

(g) Distance-learning educational offerings and computer-based educational offerings shall meet the requirements specified in subsection (e) of this regulation.

(h) Each 20-hour home health aide course shall be administered according to the following criteria:

(1) Any person issued a nurse aide certificate by the licensing agency or enrolled in a 90-hour nurse aide course as specified in K.A.R. 28-39-165 may enroll in a 20-hour home health aide course after being prescreened and tested for reading comprehension at an eighth-grade level.

(2) Each 20-hour course shall meet the requirements established in paragraphs (e)(3) and (e)(4) of this regulation.

(3) Each 20-hour course shall be prepared and administered in accordance with the guidelines established by the licensing agency in the "Kansas home health aide guidelines (20 hours)," effective July 1, 1985 and hereby adopted by reference, and the instructor's manual adopted by reference in paragraph (e)(1).

(i) No correspondence course shall be accepted as a 20-hour home health aide course.

(j) Distance-learning educational offerings and computer-based educational offerings shall meet the requirements specified in subsection (e) of this regulation.

(Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5115; effective Dec. 29, 2003.)

28-51-114. Home health aide course instructors. (a) Each course instructor for the 90-hour and the 20-hour courses shall meet the following requirements:

(1) Each person who intends to be a course instructor shall submit a completed instructor approval

application form to the licensing agency at least three weeks before offering an initial course and shall be required to receive approval as an instructor before the first day of an initial course.

(2) Each course instructor shall be a registered nurse with a minimum of two years of licensed nursing experience, including at least 1,750 hours of experience in the provision of home health care services.

(b) Each course instructor and course sponsor shall be responsible for ensuring that the following requirements are met:

(1) Each trainee in a 20-hour or 90-hour home health aide course shall be prescreened and tested for reading comprehension of the written English language at an eighth-grade reading level before enrolling in the course.

(2) A completed course approval application form shall be submitted to the licensing agency at least three weeks before offering the course. Approval of the course shall be obtained from the licensing agency at the beginning of each course whether the course is being offered initially or after a previous approval. Each change in course location, schedule, or instructor shall require approval by the licensing agency.

(3) All course objectives shall be accomplished.

(4) Health care professionals with appropriate skills and knowledge may be selected to conduct any part of the training. Each health care professional shall have at least one year of experience in the subject area in which the individual is providing training.

(5) Each person providing a portion of the training shall do so under the direct supervision of the course instructor.

(6) The provision of patient care by a home health aide trainee II shall be limited to clinical experiences that are part of the course and under the direct supervision of the course instructor.

(7) During the clinical instruction, the course instructor shall perform no other duties than the provision of direct supervision to the trainees.

(8) Each home health aide trainee in the 90-hour home health aide course shall demonstrate competency in all of the skills identified on the part I task checklist. The course instructor shall sign and date the task checklist as evidence of successful completion of part I of the course.

(9)(A) The 90-hour home health aide course shall be prepared and administered in accordance with the "Kansas certified 90-hour home health aide curriculum guidelines" and the "Kansas 90-hour and 20-hour certified home health aide training instructor manual," as adopted in K.A.R. 28-51-113.

(B) The 20-hour home health aide course shall be prepared and administered in accordance with the guidelines in the "Kansas home health aide guidelines (20 hours)" and the "Kansas 90-hour and 20-hour certified home health aide training instructor manual," as adopted in K.A.R. 28-51-113.

(c) Any course instructor or course sponsor who does not fulfill the requirements of this regulation may be subject to withdrawal of approval to serve as a course instructor or a course sponsor.

(Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5115; effective Dec. 29, 2003.)

28-51-115. Allied health training endorsement for home health aide. (a) Each person who meets either of the following conditions shall be deemed to have met the requirements of K.A.R. 28-51-113(a) and shall be eligible to take the state test as specified in K.A.R. 28-51-116:

(1) The person is a registered nurse, licensed practical nurse, or licensed mental health technician who is

currently licensed and whose license either has not been suspended or revoked or has expired within the previous 24 months of the date of application for endorsement.

(2) The person has received training from an accredited nursing or mental health technician training program within the 24-month period before applying for endorsement. Training shall have included a basic skills component comprised of personal hygiene, nutrition and feeding, safe transfer and ambulation techniques, normal range of motion and positioning, and supervised clinical experience in geriatrics.

(b) Each person qualified under subsection (a) of this regulation shall receive written notice from the licensing agency that the person is eligible to take the state test. Upon receiving written approval from the licensing agency, that person may be employed by a home health agency as a home health aide trainee II to provide patient care on behalf of the home health agency. Each person employed as a home health aide trainee II shall be certified as a home health aide by the licensing agency, upon successful completion of the requirements specified in K.A.R. 28-51-113(a) or subsection (a) of this regulation, within one 90-day period starting from the date of approval, in order to continue employment providing home health aide services on behalf of the home health agency.
(Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5115; effective Dec. 29, 2003.)

28-51-116. State home health aide test eligibility. (a) Each person shall have a maximum of three attempts per year from the beginning date of the course to pass the state written test after successfully completing an approved 90-hour course or 20-hour course pursuant to K.A.R. 28-51-113.

(1) If the person does not pass the state test within one year from the starting date of taking an approved 90-hour course or 20-hour course, the person shall retake the entire course to be eligible to retake the state test.

(2) If a person whose training has been endorsed as specified in K.A.R. 28-51-115 does not pass the state test on the first attempt, the person shall complete an approved 90-hour course or 20-hour course as specified in K.A.R. 28-51-113 before retaking the state test.

(3) The state test shall be comprised of 100 multiple-choice questions for persons who have successfully completed an approved 90-hour course or completed training that has been endorsed as specified in K.A.R. 28-51-115. The state test shall be comprised of 30 multiple-choice questions for persons who have successfully completed an approved 20-hour course. A score of 70 percent or higher shall constitute a passing score.

(b) Each home health aide trainee shall pay a nonrefundable application fee of \$20.00 before taking the state test. A nonrefundable test application fee shall be required each time the test is scheduled to be taken. Each person who fails to take the state test and who has made payment for the test shall submit another fee before being scheduled for another opportunity to take the test.

(c) Each course instructor shall collect the application fee for each home health aide trainee eligible to take the state test and shall submit the fees, class roster, and application forms to the licensing agency or its designated agent.

(d) Each person who is eligible to take the state test and who has submitted the application fee and application form shall be issued written approval, which shall be proof of eligibility to sit for the test.

(e) Any reasonable test accommodation or auxiliary aid to address a disability may be requested by any person who is eligible to take the state test.

(1) A request for reasonable accommodation or auxiliary aid shall be submitted each time a candidate is scheduled to take the test.

(2) No test shall be given orally or by a sign language interpreter since reading and writing instructions or directions is an essential job task of a home health aide.

(3) Each person requesting a test accommodation shall submit an accommodation request form along with

an application form to the instructor. The instructor shall forward these forms to the licensing agency or its designated agent at least three weeks before the desired test date. Each instructor shall verify the need for the accommodation by signing the accommodation request form.

(f) Each person whose second language is English shall be allowed to use a bilingual dictionary while taking the state test. Limited English proficiency shall not constitute a disability with regard to accommodations. An extended testing period of up to two additional hours may be offered to persons with limited English proficiency.

(Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5115; effective Dec. 29, 2003.)